

**REMARKS**

Claims 1-5, 7-18, and 20-32 stand preliminarily rejected. Claims 18-26, 31 and 32 have been indicated as allowable by overcoming the §112 objection. Claims 11 and 12 have been indicated as allowable if rewritten to incorporate the base and intervening claims. Reconsideration of the application is respectfully requested.

**Rejections Under §112 and Allowance of Claims 18-26, 31 and 32**

Claims 18-26 stand preliminarily rejected under §112 for indefiniteness of the word "vertically". Applicant thanks the Examiner for the suggestion and indication that claims 18-26, 31 and 32 would be allowed by deletion of the word "vertically." Applicant has deleted the word "vertically" from claim 18, and respectfully requests allowance of claims 18-26, 31 and 32 on at least this ground.

**Claims 1-5, 7-10, And 13-17, Allowable Claims 11 And 12  
And §102(e) Rejection Under Dickson**

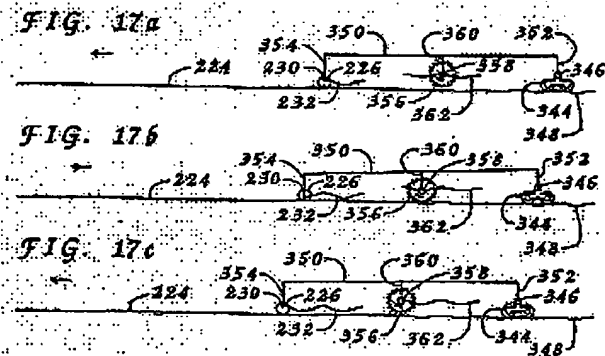
Claims 1-5, 7-10, and 13-17 stand preliminarily rejected in view of Dickson (6,402,252). Applicant thanks the Examiner for the separate indication that claims 11 and 12 include allowable subject matter and would be allowable if amended to incorporate the base claims and any intervening claims. Applicant has amended claim 1 to incorporate the "actuation rod" of claim 11 into claim 1, and respectfully submits that claim 1, as amended, and its dependent claims, including claims 2-5, 7-10, and 13-17 are not taught or suggested by Dickson. Applicant respectfully requests allowance of claims 1-5, and 7-17 on at least this ground.

**Claims 27-30 Rejection Under §102(b) In View Of Thomas**

Claims 27-30 stand rejected under Thomas et al. (5,957,620), applied in view of its parent application (Thomas 5,607,255) under §102(b). Applicant submits that claims 27-30, as amended, are not taught or suggested by Thomas and requests withdrawal of the rejection.

For example, independent claim 27, as amended, provides a surface mounting portion supported at a uniform height by front and rear ground support elements. Claim 27 also requires a grinding assembly which is raised and lowered *relative to* the surface following portion.

The Office Action cites to Thomas '255, Figs. 17a-17c to purportedly show a surface mounting portion with the claimed movement. Applicant respectfully submits that this is a misunderstanding of Thomas. In particular, Figs. 17a-17c of Thomas illustrate a frame mounted to a front eccentric or irregular "cam wheel 226" with an "offset axle 230." Roll of the cam wheel causes upward and downward movement *with and including* the frame and the grinding assembly, "offset axle 230 is repetitively moved upward and downward. This movement is depicted by cam wheel track line 232." (Thomas '255, Col. 14, ll.19-21, *et seq.*). Thomas does not teach or suggest the present application where the surface following portion moves at a uniform height along a surface to be ground. Applicant respectfully requests withdrawal of this rejection.



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**Rejection Under §102(e) In View Of Dickson**

Claims 27, 28 and 30 alternately stand rejected in view of Dickson (6,402,252).

Applicant submits that claims 27, 28 and 30, as amended, are not taught or suggested by Dickson and requests withdrawal of the rejection.

For example, independent claim 27, as amended, provides a surface mounting portion supported at a uniform height by front and rear ground support elements. In contrast, Dickson does not teach or suggest front and rear ground support elements supporting a surface mounting portion at a uniform height.

The Office Action argues that, "front and rear ground support elements" may be satisfied by elevation wheel 86 or wheels on a support vehicle 14.

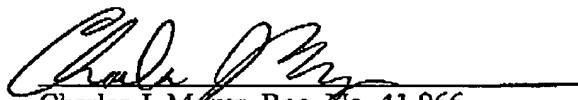
However, as taught in Dickson, a support vehicle 14 is connected to the apparatus 10 via a trailer hitch, typically a ball-style hitch, allowing pivoting movement. As such, the support vehicle wheels are incapable of supporting the surface mounting portion at a uniform height.

Elevation wheel 86 of Dickson also teaches away and cannot support apparatus 10 at a uniform height. Dickson teaches that apparatus 10 has a three-point contact (hitch 16 and parallel elevation wheels 86) during operation, giving the apparatus full "flotation". The hitch 16 is described as "the front pivoting point", indicating that the apparatus pivots and does not remain at a uniform height. (Dickson, Col. 6, ll.59-67) Applicant respectfully requests withdrawal of this rejection.

**Conclusion**

Applicant respectfully requests further examination and the issuance of a timely Notice of Allowability for the pending claims. If the Examiner believes that there are any matters that can be resolved by a telephonic interview, the undersigned would welcome said call.

Respectfully submitted:



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